

No.

8100061



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

C. Harvey Campbell, Jr.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

COTTON

'Germain's Acala GC-445'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 24th day of March in the year of our Lord one thousand nine hundred and eighty-three.

Attest:

Kenneth A. Evans
Acting
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

John R. Block

Secretary of Agriculture



1861



INSTRUCTIONS

GENERAL: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

rec'd
FEB 27 1961
11:00 am *PL*

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY HCA, Inc.-445 <i>GC-445-2</i>		1b. VARIETY NAME <i>Acacia 445</i> To be determined <i>9/10/82</i>		FOR OFFICIAL USE ONLY PV NUMBER <i>8100061</i>	
2. KIND NAME Cotton		3. GENUS AND SPECIES NAME GOSSYPIMUM HIRSUTUM		FILING DATE 2/27/81	TIME 11:00 <i>A.M.</i>
4. FAMILY NAME (BOTANICAL) MALVACIEAE		5. DATE OF DETERMINATION November 1, 1979		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 2/27/81 2/8/83
6. NAME OF APPLICANT(S) <i>C. HARVEY CAMPBELL, Jr.</i> HC & A, Inc.		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 9656 Bakersfield, CA 93389		8. TELEPHONE AREA CODE AND NUMBER (805)833-1751	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) corporation		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION California 3-13-80		11. DATE OF INCORPORATION 3-13-80	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: HC & A, Inc., P.O. Box 9656, Bakersfield, CA 93389					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☐ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?	14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

2/23/81
(DATE)

C. Harvey Campbell Jr.
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

88H 2/23/83
GERMAIN'S Acala
88H 9/10/82

ITEM 13a: BREEDING HISTORY OF GC-445-2

GC-445-2 is a reselected Acala line from S5971.

S5971 is a USDA Acala line from the U.S. Cotton Research Station, Shafter, California. S5971 is an F₆ selection from the cross S2694 X S3468.

S2694 = 12302-4 X (Tang X 4-42), 1969 row.

S3468 = C6-5 X DelCerro 503, 1971 row.

Plant selection by Shafter Station personnel are given below:

1971	S2694 X S3468	
1972	S4311-12	F ₂
1973	S4706-7	F ₃
1974	S5166-5	F ₄
1975	S5604-3	F ₅
1976	S5971	F ₆
1977	S5971 bulk	F ₇
1978	S5971 bulk	F ₈

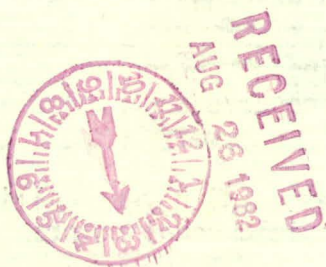
Selection by HC & A, Inc. personnel is given below:

1979	445 bulk	F ₉ reselected for uniformity, heat tolerance and verticillium wilt tolerance.
1980	GC-445-2 bulk	F ₁₀ reselected for uniformity and verticillium wilt tolerance.

GC-445-2 is the F₁₀ of the cross S2694 X S3468.

The stability of GC-445-2 has been observed for four reproductive generations and the variety has maintained stability in its plant characteristics. The variant level is too low to allow meaningful percentage counts of variants, therefore no variants have been observed and the variety is stable.

The breeding objective was to breed an Acala-type cotton with verticillium tolerance and heat resistance superior to SJ-2, and yield equal to or better than SJ-2.



88H 2/23/83

GERMAIN'S

Cotton Application: Acala ~~Cotton~~ GC-445-2 No. 8100061

GC-445-2 is a variety reselected from USDA Shafter Advance Strain S 5971

The reselection procedure was as follows:

1979: S 5971 was planted in plots 2 rows X 400 ft X 3 replications in the Lost Hills nursery. Two hundred uniform to type plants were selected for freedom from foliar verticillium wilt and for heavy fruiting under high temperature conditions. Verticillium wilt was moderate to severe. The 200 plants were bulked and designated as GC-445-1.

1980: GC-445-1 was planted in 2400 ft of replicated rows in the Lost Hills nursery. Taller than average plants were eliminated from the population. All plants showing foliar verticillium wilt symptoms were rogued out.

GC-445-1 was planted in 2400 ft of replicated rows at the Tulare nursery. Plants showing foliar verticillium wilt and plants not uniform to type were rogued out. Verticillium wilt was severe at Tulare, and moderate at Lost hills nurseries.

Seeds from Lost Hills and Tulare were blended: 60% from Lost Hills and 40% from Tulare. This bulked seed was designated as GC-445-2.

C. Harvey Campbell, jr.



ITEM 13b:

NOVELTY STATEMENT

GC-445-2

88112/23/83
GERMAIN'S
Acala
88112 9/10/82
GC-445-2 most closely resembles SJ-2 including general plant appearance, leaf color, and general fiber characteristics. The four major differences are given below:

- 1) GC-445-2 is an average of 53" tall at maturity whereas SJ-2 averages 43" at maturity. Supporting data for 1980 and 1981 measurements is attached.
- 2) GC-445-2 matures 7-8 days later than SJ-2. This statement is based upon data recorded in 1979, 1980 and 1981. The data was obtained by recording the 70% open boll stage for GC-445-2 and SJ-2 in 10 observations at 10 locations in 3 years of testing.
- 3) The boll length for GC-445-2 is 14% longer than SJ-2. This data is based on 20 mature boll samples in the Buttonwillow location for 1982 (enclosed is data and photographs #1, 2 and 3, of boll shape differences), and is confirmed by 3 years' field observations.
- 4) GC-445-2 has longer fiber than SJ-2. The fiber length of SJ-2 is in the 1.15, 2.5% span length range. The fiber length of GC-445-2 is in the 1.20 range of 2.5% span length. Enclosed is the 1981 crop fiber data from Texas Tech University Textile Research Center, and the California Acala Cotton Board screening data, 1981. The ACB data shows significant difference in fiber length at the 5% level, from 4 test locations.



ITEM 13b:

NOVELTY STATEMENT

GC-445-2

GERMAIN'S Acala

89W 9/10/82

Boll Length of GC-445-2 vs. SJ-2, 1982

Length, mm	<u>GC-445-2</u>	<u>SJ-2</u>
	55	50
	54	50
	60	55
	60	49
	55	50
	59	50
	55	47
	58	50
	58	50
	60	50
	57	49
	55	54
	59	56
	52	50
	59	54
	60	56
	60	50
	60	50
	59	52
	55	50
Total	1150	10222
Average	58 mm	51 mm

RECEIVED
AUG 26 1982



88W 2/23/83
GERMAIN'S Acala 88W 9/10/82
ITEM 13b: NOVELTY STATEMENT GC-445-2

Height in Inches at Maturity*

Location	445-1	SJ-2	1980
Lost Hills	42	40	
	52	40	
	52	40	
	52	39	
	50	41	
	Ave. 50.00	40.00	= 20%
Tulare	40	30	
	55	42	
	55	46	
	57	44	
	Ave. 51.75	41.00	= 21%

Location	445-2	SJ-2	1981
Lost Hills	55	46	
	61	49	
	59	48	
	59	53	
	Ave. 58.50	49.00	= 16%
Tulare	50	41	
	52	42	
	49	42	
	54	46	
	Ave. 51.25	42.75	= 17%
Bakersfield	51	40	
	59	47	
	53	40	
	50	38	
	Ave. 53.25	41.00	= 23%

*Each reading is an average of 10 measurements per replicate

RECEIVED
AUG 26 1982



ACB VARIETY TEST SUMMARY - 1981 LINT YIELD

	BUTTON	WASCO	EARLIM	WOODVI	HANFOR	CANTUA	KERMAN	EL NID	MEAN
SJ-2	1220	1525	1132	1381	1173	1394	1566	1218	1326
SJ-5	1233	1450	1194	1411	1219	1411	1519	1186	1328
CPCSD C-1	1317	1341	1149	1412	1242	1465	1635	1222	1348
CPCSD C-9	1254	1354	949	1402	1118	1275	1499	1145	1250
DP 7124-299	1165	1342	1163	1242	1085	1541	1402	942	1235
LSD .05	51	73	87	54	69	54	48	116	76
%CV	2.7	3.4	5.0	2.6	3.8	2.5	2.0	6.6	3.6

MODERATE VERTICILLIUM WILT AT HANFORD AND EL NIDO

ACB VARIETY TESTS - 1981 FIBER QUALITY SUMMARY

	2.5% SL	50% SL	UNIF	T1	E1	MIC	YTEN
SJ-2	1.14	0.52	45.4	23.8	7.9	4.24	14.5
SJ-5	1.15	0.52	45.2	25.0	8.0	4.18	15.2
CPCSD C-1	1.14	0.53	46.8	25.9	8.0	4.30	15.3
CPCSD C-9	1.17	0.53	45.3	24.5	8.7	4.52	14.1
DP 7124-299	1.15	0.51	44.1	23.9	8.6	3.79	14.0
LSD .05	0.02	0.01	1.1	0.6	0.3	0.17	0.5
%CV	1.9	2.0	2.1	3.2	3.4	3.5	4.7

YTEN (YARN STRENGTH) - 22'S COUNT YARN

ACB SCREENING - 1981

LINT YIELD

FIBER QUALITY

	LINT YIELD					FIBER QUALITY					
	ARVIN	WOODV	WSFS	LOS BANOS	MEAN	2.5% SL	50% SL	UNIF	T1	E1	MIC
SJ-2	1228	1333	1541	1556	1415	1.17	0.54	45.8	25.6	8.2	4.45
SJ-5	1236	1330	1354	1373	1323	1.18	0.54	45.9	26.3	8.0	4.55
CPCSD C-10	1242	1299	1321	1411	1318	1.18	0.55	47.1	26.9	8.5	4.33
CPCSD C-11	1155	1313	1342	1522	1333	1.18	0.55	46.3	27.0	8.3	4.28
CPCSD C-12	1277	1319	1297	1234	1282	1.18	0.55	46.4	26.5	8.5	4.37
CPCSD C-13	1044	1386	1401	1210	1260	1.19	0.54	45.8	26.6	8.0	4.36
CPCSD C-14	1190	1319	1345	1373	1307	1.19	0.55	45.8	26.2	8.1	4.30
DP 744-564	1118	896	1330	878	1056	1.16	0.56	47.6	27.5	8.0	4.68
DP 746-517	916	1118	1288	816	1035	1.14	0.53	46.3	27.1	8.0	4.45
DP 753-614	899	981	1236	836	988	1.19	0.57	48.1	28.8	7.5	4.40
DP 7518-610	1057	985	1308	1086	1109	1.18	0.53	45.1	26.9	8.1	4.47
DP 7523-635	1169	1250	1373	1138	1232	1.20	0.53	44.1	25.8	8.0	4.10
GC-362	1084	1176	1391	1325	1244	1.20	0.55	45.9	27.7	8.3	4.42
GC-363	1139	1276	1393	1306	1278	1.16	0.56	47.8	27.6	8.3	4.37
GC-445	1135	1382	1393	1460	1343	1.22	0.54	44.6	25.6	8.5	4.72
GC-510	1266	1333	1444	1396	1360	1.17	0.55	47.0	27.3	8.0	4.48
GC-555	1224	1331	1346	1391	1323	1.18	0.54	45.6	26.7	8.0	4.33
SJV 100	1024	1177	1387	1430	1254	1.18	0.54	46.0	24.1	7.8	4.18
SJV 300	963	1102	1398	1495	1239	1.17	0.52	44.0	21.7	8.9	4.27
SJV 550	1023	1326	1286	1414	1262	1.16	0.53	45.3	24.6	7.5	4.35
SJV 800	942	1229	1338	1308	1204	1.16	0.52	45.1	23.7	7.4	4.30
HARRISON ACALA	1079	1304	1262	1448	1273	1.15	0.52	45.4	23.5	8.3	4.39
UC-6	1009	1160	1361	1437	1242	1.16	0.52	44.6	21.5	8.8	4.14
UC-12	943	1166	1295	1160	1141	1.15	0.52	45.1	21.4	7.4	4.38
UC-13	1019	1177	1384	1349	1232	1.11	0.52	46.5	22.9	7.6	4.38
LSD .05	122	222	107	181	149	0.03	0.02	1.1	1.2	0.8	0.21
XCV	7.9	12.9	5.6	9.9	9.4	2.0	2.4	2.5	3.9	4.1	3.4

MODERATE VERTICILLIUM WILT AT WOODVILLE

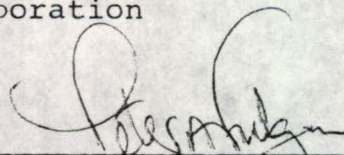
8100061

A S S I G N M E N T

For good and valuable consideration, receipt whereof is hereby acknowledged, the undersigned Germain's, Inc., a California corporation, of 4820 East 50th Street, Los Angeles, California 90058, does hereby sell, assign, transfer and set over to Germain's, Inc., a Delaware corporation, of 4820 East 50th Street, Los Angeles, California 90058, the entire right, title and interest in and to the plant varieties and Plant Variety Protection Certificates as set forth in Schedule 1 annexed hereto.

GERMAIN'S, INC., a California corporation

By



Peter A. Fulgoni
President

1500018



BBB

DLY:bb 11/13/87

LRE(2.0012.0.0)

PLANT PATENTS

<u>Name and Description</u>	<u>Country</u>	<u>Number</u>	<u>Effective Date</u>	<u>Expiration Date (Year)</u>	<u>Renewal Information</u>
<u>COTTON</u>					
Acala GC-362	U.S.A.	8400129	9/28/84	2001	
Acala GC-363	U.S.A.	8100060	3/24/83	2000	
Acala GC-445	U.S.A.	8100061	3/24/83	2000	
Acala GC-510	U.S.A.	⁸²⁰⁰¹⁶⁶ 8100066 akz	3/24/83	2000	
Acala GC-555	U.S.A.	8100062	3/24/83	2000	

WHEAT

Wheat W-444	U.S.A.	7600079	12/76	1993	
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ASSIGNMENT OF
PLANT VARIETY PROTECTION CERTIFICATES
NOS. 8100060, 8100061, 8100062, 8200166 AND 8400129

THIS ASSIGNMENT is executed this 15th day of November, 1984 by C. HARVEY CAMPBELL, JR., DAVID L. WEST, H. P. ANDERSON III and KENNETH L. PURYEAR (sometimes hereafter collectively "CWA") and GERMAIN'S, INC., a California corporation (hereafter "Germain's");

W I T N E S S E T H:

WHEREAS, on March 24, 1983, the Secretary of the United States Department of Agriculture, pursuant to the United States Plant Variety Protection Act of December 24, 1970 (84 Stat. 1542; 7 U.S.C., §§ 2321 et seq.; hereafter the "Act"), issued to C. Harvey Campbell, Jr. Plant Variety Protection Certificate Nos. 8100060, 8100061, 8100062 and 8200166 for Germain's Acala GC-363, Germain's Acala GC-445, Germain's Acala GC-555 and Germain's Acala GC-510, respectively; and

WHEREAS, on September 28, 1984, the Secretary of the United States Department of Agriculture pursuant to the Act issued to CWA Plant Variety Protection Certificate No. 8400129 for Germain's Acala GC-362; and

WHEREAS, by letter dated September 27, 1984, C. Harvey Campbell assigned Plant Variety Protection Certificate Nos., 8100060, 8100061, 8100062 and 8200166 to CWA; and

WHEREAS, by Agreement dated October 15, 1984 between CWA and Germain's (hereinafter the "Agreement"), CWA agreed to execute and deliver to Germain's conditional assignments of their plant variety protection rights with respect to Germain's Acala GC-362, Germain's Acala GC-363, Germain's Acala GC-445, Germain's Acala GC-510 and Germain's Acala GC-555 and the plant variety protection certificates issued with respect thereto, Certificate Nos. 8400129, 8100060, 8100061, 8100062 and 8200166, respectively;

NOW, THEREFORE, in consideration of the foregoing recitals and of the mutual covenants hereinafter set forth, IT IS AGREED as follows:

1. Assignment. CWA hereby assigns to Germain's all their right, title and interest in and to their plant variety protection rights with respect to Germain's Acala GC-362, Germain's Acala GC-363, Germain's Acala GC-445, Germain's Acala GC-510 and Germain's Acala GC-555 and the plant variety protection certificates issued with respect thereto, Certificate Nos. 8400129, 8100060, 8100061, 8100062 and 8200166, respectively, on condition that, and so long as, Germain's fully performs its obligations under paragraphs 1, 2, 5, 6, 7, 11, 12 and 14 of the Agreement.

2. Grant of Security Interest. Germain's hereby grants to CWA a security interest in the plant variety protection rights with respect to Germain's Acala GC-362, Germain's Acala GC-363, Germain's Acala GC-445, Germain's Acala GC-510 and Germain's Acala GC-555 and the plant variety protection certificates issued with respect thereto, Certificate Nos. 8400129, 8100060, 8100061, 8200166 and 8100062, respectively, to secure Germain's performance of its obligations under paragraphs 1, 2, 5, 6, 7, 11, 12 and 14 of the Agreement.

3. Incorporation by Reference. The parties incorporate herein by reference the provisions of paragraphs 5 (Plant Variety



Protection), 10 (Term), 11 (Sale or Assignment by Germain's) and 12 (Right of First Refusal), pertaining to plant variety protection certificates, specific reference to which should be made for further particulars.

4. Recording. Germain's may record this assignment in accordance with section 101 of the Act (7 U.S.C., § 2531).

IN WITNESS WHEREOF, the parties hereto have executed this assignment on the day and year first hereinabove written.

GERMAIN'S INC.

By

Roger A. Pirie
Roger A. Pirie

"Germain's"

C. Harvey Campbell, Jr.
C. Harvey Campbell, Jr.

David L. West
David L. West

H. P. Anderson III
H. P. Anderson III

Kenneth L. Puryear
Kenneth L. Puryear

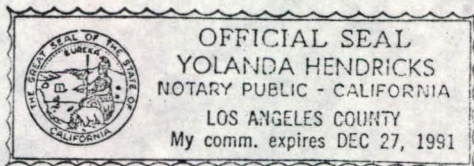
"CWA"



STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this 9th day of February, in the year 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Peter A. Fulgoni, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as President on behalf of Germain's Inc., a California corporation, and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.



Yolanda Hendricks
Notary Public in and
for said State

COUNSELLORS AT LAW

PARSIPPANY CORPORATE CENTER
FOUR CENTURY DRIVE
PARSIPPANY, NEW JERSEY 07054-4663

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350 FIFTH AVENUE, SUITE 3304
NEW YORK, NEW YORK 10118

DIRECT DIAL:

May 30, 1996

FEDERAL EXPRESS

Plant Variety Protection Office
500 NAL Building
10301 Baltimore Avenue
Beltsville, Md. 20705

Attention: Anne Zempolich

Re: Assignment of Plant Variety
Protection Certificates From
Germain's, Inc. to Germain's
Cotton Seeds, Inc.

Dear Ms. Zempolich:

As we discussed this morning, I have enclosed for filing an Assignment of eight (8) plant variety protection certificates from Germain's, Inc. to Germain's Cotton Seeds, Inc. In addition, I also have enclosed a \$200.00 check payable to the United States Treasurer as payment of the applicable filing fees.

As you can see from the acknowledgement attached to the Assignment, Doug Elkins, the CEO of Germain's, Inc., executed the Assignment on behalf of Germain's, Inc. If you need to confirm that Mr. Elkins is the CEO of Germain's Inc. with someone from Germain's, Inc., the phone number for Germain's, Inc. is (209) 233-8823.

If you have any questions concerning the enclosed Assignment or its filing, please do not hesitate to call me.

Very truly yours,

J. Scott MacKay

JSM:mgb

cc: George Petrides (via regular mail)

cc: George Petrides (via regular mail)

SCHEDULE 1
TO
ASSIGNMENT (PVP CERTIFICATES)

Certificate No.	Date	Name of Owner	Name of Novel Variety
✓ 8100060	03/24/83	Germain's, Inc.*	GERMAIN'S ACALA GC-363
✓ 8100061	03/24/83	Germain's, Inc.*	GERMAIN'S ACALA GC-445
8100062	03/24/83	Germain's, Inc.*	GERMAIN'S ACALA GC-555
8200166	03/24/83	Germain's, Inc.*	GERMAIN'S ACALA GC-510
8400129	09/28/84	Germain's, Inc.*	GERMAIN'S ACALA GC-362
8700061	07/31/87	Germain's, Inc. **	GERMAIN'S ACALA GC-410
8800017	11/18/87	Germain's, Inc.**	GERMAIN'S ACALA GC-356
9000235	03/31/93	Germain's, Inc.	GERMAIN'S ACALA GC-702

** Assigned to Germain's, Inc. from CWA 23 February 1988

* Assigned to Germain's, Inc. from CWA 15 November 1984

ASSIGNMENT

(PVP Certificates)

This Assignment is made and entered into as of November 30, 1995, by and between Germain's, Inc., a Delaware corporation ("Assignor"), and Germain's Cotton Seeds, Inc., a New Jersey corporation ("Assignee").

WHEREAS, Assignor and Assignee have entered into that certain letter agreement, dated November 30, 1995, pursuant to which Assignor has agreed to assign certain Plant Variety Protection Certificates to Assignee upon the terms and conditions contained therein and below.

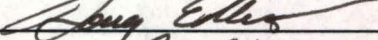
NOW, THEREFORE, in consideration of the premises and mutual promises contained herein, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Assignor hereby assigns, conveys and transfers to Assignee, and Assignee hereby accepts from Assignor, all of Assignor's right, title and interest in and to the Plant Variety Protection Certificates (the "Certificates") which are set forth on Schedule 1, which Schedule 1 is attached hereto and incorporated herein by this reference.

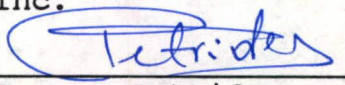
2. Assignee shall be responsible, at its own expense, for the preparation, legalization and filing of any documents and the obtaining of any third-party or governmental approvals or consents which are not required to be obtained by Assignor under the above-referenced Agreement, which may be necessary to effect and record the assignment of any of the Certificates.

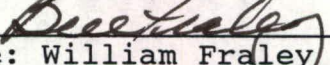
IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be executed as of the date first set forth above.

Germain's, Inc.

By: 
Name: Doug Elkin
Title: CEO

Germain's Cotton
Seeds, Inc.

By: 
Name: George Petrides
Title: President

By: 
Name: William Fraley
Title: Vice President

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11-5 995 11-5 995

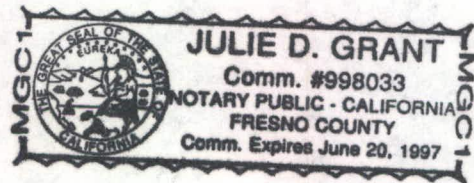
State of California)
County of Fresno) ss.

On Dec 1, 1995, before me,
Julie D. Grant Notary Public, personally appeared
Doug Ekins and _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the persons whose names are
subscribed to the within instrument and acknowledged to me
that they executed the same in their authorized capacity,
and that by their signature on the instrument the persons,
or the entity upon behalf of which the person acted,
executed the instrument.

WITNESS my hand and official seal.

Signature Julie D. Grant (seal)

Assignment DVP Cert.



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State of California)
County of Fresno) ss.

On Dec. 7, 1995, before me,
Julie D. Grant, Notary Public, personally appeared
George Petrides and Bill Fraley,
personally known to me (~~or proved to me on the basis of~~
~~satisfactory evidence~~) to be the persons whose names are
subscribed to the within instrument and acknowledged to me
that they executed the same in their authorized capacity,
and that by their signature on the instrument the persons,
or the entity upon behalf of which the person acted,
executed the instrument.

WITNESS my hand and official seal.

Signature Julie D. Grant (seal)

PUP Assignment



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8. FLOWER:

1 Bracts: 1 = Normal 2 = Frago

1 Petals: 1 = Cream 2 = Yellow

2 Nectaries: 1 = Absent 2 = Present

1 Pollen: 1 = Cream 2 = Yellow

9. SEEDS:

1 3 8 Seed Index (g/100 seeds, fuzzy seed basis)

Lint Index (g of lint/100 seeds)

3 Seed Fuzz: 1 = sparse (Gregg 35) 2 = Moderate (DPL-61) 3 = Heavy (Acala SJ-1) 4 = Tufted (Pima)

10. BOLLS:

3 0 9 Lint Percent

3 8 No. Seeds Per Boll

1 1 0 Lint % less than 5
Same as Comparison Varieties

Lint % more than

6 9 9 Grams Seed Cotton Per Boll

Grams less than

Same as Comparison Varieties

0 3 5 Grams more than 5

2 Locules: 1 = 3-4 2 = 4-5

2 Pitting: 1 = None 2 = Fine 3 = Coarse

3 Type: 1 = Stormproof (Westburn 70) 2 = Storm Resistant (Lankart 57) 3 = Open (Deltapine 16)

3 7 Mm Diameter

2 Breadth: 1 = Broadest at Base 2 = Broadest at Middle

3 Shape: 1 = Length Less Than Width 2 = Length Equals Width 3 = Length Greater Than Width

11. BRACTEOLAS:

3 Breadth: 1 = Length Less Than Width 2 = Length Equals Width 3 = Length Greater Than Width

2 Teeth: 1 = Fine 2 = Coarse

4 No. Teeth: 1 = 3-4 2 = 5-7 3 = 8-10 4 = More Than 10

12. FIBER LENGTH:

3 8 Staple Length (32nd inches)

1 2 0 n. Span Length (2.5%)

In. Shorter Than
Length Same as Comparison Varieties

0 0 3 In. Longer Than 5

In. Span Length (50%)

4 6 Uniformity Index (50%/2.5%)

In. UHM Length

In. Shorter Than
Length Same as Comparison Varieties

In. Longer Than

In. Mean Length

Uniformity Ratio (Mean/UHM)

13. FIBER STRENGTH ELONGATION AND FINENESS:

1 0 4 1000 P.S.I. (Pressley)

2 4 Stelometer (T_1)8 0 Elongation (E_1)

4 6 0 Micronaire

Yarn Tenacity (cN/tex- 27-tex)

1 3 8 Yarn Strength (Lbs. 22's)

14. DISEASES: (0 = not tested, 1 = susceptible, 2 = resistant)

2 Verticillium Wilt

0 Bacterial Blight (Race 2)

0 Fusarium Wilt

0 Bacterial Blight (Other Races)

0 Root Knot Nematode

0 Ascochyta Blight

0 Bacterial Blight (Race 1)

0 Phymatotrichum Root Rot

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Cotton)

OBJECTIVE DESCRIPTION OF VARIETY

COTTON (*Gossypium* spp.)

NAME OF APPLICANT(S)

H C & A, INC.

TEMPORARY DESIGNATION

GC-445-2

VARIETY NAME

GERMAIN'S
Acala GC-445 9/10/82

ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code)

P.O. Box 9656
Bakersfield, CA 93389

FOR OFFICIAL USE ONLY

PVPO NUMBER

8100061

Place numbers in the boxes (e.g.,) for the characters that best describe typical plants of this variety. The symbol ▲ indicates decimal.

COMPARISON VARIETIES FOR USE BELOW

1 = Coker 310

2 = Deltapine 61

3 = Stoneville 213

4 = Paymaster 303

5 = Acala 1517-75- SJ-2

6 = Acala SJ-5

7 = Tamcot SP-37

8 = Pima S5

1. SPECIES:

☒ 1 = *G. hirsutum* L.2 = *G. barbadense* L.

2. AREA(S) OF ADAPTATION (0 = Not Tested, 1 = Not Adapted, 2 = Adapted):

☐ Eastern☐ Delta☐ Central☐ High Plains☐ El Paso Area☒ Western Low Hot Valleys☒ San Joaquin☐ Other (Specify) _____3. MATURITY (50% Open Balls, Ideal Method: Date 50% of Crop-Harvested-determined from sequential yield harvests. Give method 50% open ball)☐ No. of Days earlier than ☐Maturity same as ☒

Comparison Varieties

☒ No. of Days later than ☐☒ 1 = Early (Tamcot SP 37)

2 = Medium (McNair 220)

3 = Late (Stoneville 213)

4. PLANT:

☐ Cm Shorter than ☐Height same as ☐

Comparison Varieties

☒ Cm Taller than ☒☒ Habit: 1 = Spreading, 2 = Intermediate, 3 = Compact☒ Foliage: 1 = Sparse, 2 = Intermediate, 3 = Dense☒ Stem: 1 = Lodging, 2 = Intermediate, 3 = Erect☒ Cm to 1st Fruiting Branch (from cotyledonary node)☐ No. of Nodes to 1st Fruiting Branch☒ Stem Pubescence:

1 = Glabrous

2 = Sparse Pubescence

3 = Pubescent (Stoneville 213)

4 = Heavy Pubescence

5. LEAF:

☒ Cm Width of Widest Leaves at Maturity☐ Type: 1 = Normal, 2 = Okra, 3 = Super Okra☒ Pubescence: 1 = Glabrous (Tamcot SP21S)

3 = Pubescent (Stoneville 213)

2 = Sparse Pubescence (DPL-16)

4 = Heavy Pubescence

☒ Color: 1 = Greenish Yellow (Cascot B-2)

2 = Light Green (Stoneville 603)

3 = Dark Green (Coker 310)

4 = Other (Specify) _____

☒ Nectaries: 1 = Absent

2 = Present

6. FRUITING BRANCH:

☒ Type: 1 = Cluster

2 = Short

3 = Normal

☒ Growth: 1 = Determinate

2 = Intermediate

3 = Indeterminate

7. GLANDS (*Gossypol*):☒ Gland Density (Vegetative): 1 = Glandless

2 = Low

3 = Medium (Stoneville 213)

4 = High

☒ Gossypol % (Buds): 1 = Low

2 = Medium (Stoneville 213)

3 = High

14. DISEASES (Continued): (0 = not tested, 1 = susceptible, 2 = resistant)

- | | |
|---|--|
| <input type="checkbox"/> <u>Rhizoctonia solani</u> | <input type="checkbox"/> Southwestern Cotton Rust |
| <input type="checkbox"/> Anthracnose | <input type="checkbox"/> <u>Thielaviopsis basicola</u> |
| <input type="checkbox"/> <u>Pythium</u> (specify species) _____ | <input type="checkbox"/> Diplodia Boll Rot |
| <input type="checkbox"/> Reniform Nematode | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> <u>Alternaria macrospora</u> | <input type="checkbox"/> Other (specify) _____ |

15. INSECTS: (0 = not tested, 1 = susceptible, 2 = resistant)

- | | |
|--|--|
| <input type="checkbox"/> Boll Weevil | <input type="checkbox"/> Thrip |
| <input type="checkbox"/> Aphid | <input type="checkbox"/> Cutworm |
| <input type="checkbox"/> Fleahopper | <input type="checkbox"/> <u>Alabama argillacea</u> (Leaf Worm) |
| <input type="checkbox"/> Fall Armyworm | <input type="checkbox"/> Spider Mite |
| <input type="checkbox"/> Grasshopper | <input type="checkbox"/> <u>Heliothis zea</u> (Bollworm) |
| <input type="checkbox"/> Lygus | <input type="checkbox"/> <u>Heliothis verescens</u> (Tobacco bud worm) |
| <input type="checkbox"/> Pink Bollworm | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Stink Bug | <input type="checkbox"/> Other (specify) _____ |

16. GIVE VARIETY THAT MOST CLOSELY RESEMBLES THE SUBMITTED VARIETY FOR EACH OF THE FOLLOWING CHARACTERISTICS:
(Indicate degree of resemblance (D.R.) with one of the following numbers: 1 = Submitted variety is less than, lighter, or inferior to similar variety, 2 = Same as, 3 = More than, darker, or superior, etc. Use comparison varieties or other more appropriate varieties.)

CHARACTER	SIMILAR VARIETY	D.R.	CHARACTER	SIMILAR VARIETY	D.R.
Leaf Pubescence	SJ-2	2	1000 PSI	SJ-2	3
Seed Index	SJ-2	3	Stelometer (T_1)	SJ-2	3
Lint Index		-	Elongation (E_1)	SJ-2	2
Yarn Tenacity	SJ-2	3	Micronaire	SJ-2	3
Verticillium Wilt Resistance	SJ-2	3	Fusarium Wilt Resistance		

17. COMMENTS: (Present information which cannot be adequately described in 1 to 16 that significantly distinguishes your variety such as comparative disease reactions, other expressions of maturity:)

GC-445-2 compared to SJ-2 is of greater height
later maturity, longer bolls, increased verticillium
tolerance, and longer fiber.

